From the

### INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: C. JAMES BUSHMAN BROWNING BUSHMAN P.C. 5718 WESTHEIMER, SUITE 1800 HOUSTON, TX 77057

# PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing (day/month/year)

13 MAY 2005

Applicant's or agent's file reference

International application No.

CHAT-86/PCT

International filing date (day/month/year) Price

IMPORTANT NOTIFICATION

Priority date (day/month/year)

PCT/US03/20597

26 June 2003 (26.06.2003)

26 June 2002 (26.06.2002)

Applicant

#### DAVIS, STEPHEN T.

- 1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
- 2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
- 3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Telephone No. 571 272-1700

Form PCT/IPEA/416 (July 1992)



# **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	1								
CHAT-86/PCT	FOR FURTHER ACTION  See Notification of Transmittal of Internation Preliminary Examination Report (Form PCT)		on of Transmittal of International Examination Report (Form PCT/IPEA/416)						
International application No.	International filing date (day/month/year)		Priority date (day/month/year)						
PCT/US03/20597	26 June 2003 (26.06.2003)		26 June 2002 (26.06.2002)						
International Patent Classification (IPC)	or national classification and IPC								
IPC(7): C07C 205/00, 229/00; E21B 43	IPC(7): C07C 205/00, 229/00; E21B 43/00; C09K 3/00 and US C1.: 562/553; 560/155; 166/309; 507/202, 240, 244								
Applicant									
DAVIS, STEPHEN T									
This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.									
2. This REPORT consists of a total of sheets, including this cover sheet.									
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).									
These annexes consist of a total of sheets.									
3. This report contains indica	tions relating to the following i	items:							
I Basis of the repo	I Basis of the report								
II Priority									
IV Lack of unity of		city, inventive	step and industrial applicating						
,	V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
VI Certain documen		•							
VII Certain defects in the international application									
VIII Certain observations on the international application									
Date of submission of the demand	Date	of completion	of this report						
		-	•						
16 January 2004 (16.01.2004)		ril 2005 (29.04.	2005)						
Name and mailing address of the IPEA/U  Mail Stop PCT, Attn: IPEA/ US	Autho	rzed office							
Commissioner for Patents P.O. Box 1450	Philip	C. Tucker	/ts/						
Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Teleph	none No. 571-2	γ∪Ч 72-1700						
orm PCT/IPEA/d09 (cover sheet)/July 1009)									

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

national application No.	
PCT/US03/20597	

I.	Basi	is of the report					
1.	With	ith regard to the elements of the international application:*					
	$\bowtie$	the international application as originally filed.					
	$\boxtimes$	the description:					
		pages 1-19 as originally filed					
		pages NONE , filed with the demand pages NONE , filed with the letter of					
	$\square$	the claims:					
l	ĽΊ	pages 20-22 , as originally filed					
		pages NONE , as amended (together with any statement) under Article 19					
		pages NONE, filed with the demand					
ļ		pages NONE, filed with the letter of					
į	$\boxtimes$	the drawings:					
		pages 1, as originally filed pages NONE, filed with the demand					
		pages NONE , filed with the letter of .					
		the sequence listing part of the description:					
	_	pages NONE , as originally filed					
		pages NONE , filed with the demand					
	77.71.1	pages NONE, filed with the letter of					
2.	With	h regard to the language, all the elements marked above were available or furnished to this Authority in the uage in which the international application was filed, unless otherwise indicated under this item.					
	Thes	the elements were available or furnished to this Authority in the following language which is:					
		the language of a translation furnished for the purposes of international search (under Rule23.1(b)).					
	Ц	the language of publication of the international application (under Rule 48.3(b)).					
	Ш	the language of the translation furnished for the purposes of international preliminary examination(under Rules 55.2 and/or 55.3).					
3.	With	n regard to any nucleotide and/or amino acid sequence disclosed in the international application, the national preliminary examination was carried out on the basis of the sequence listing:					
	Ц	contained in the international application in printed form.					
	Ц	filed together with the international application in computer readable form.					
		furnished subsequently to this Authority in written form.					
		furnished subsequently to this Authority in computer readable form.					
		The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.					
		The statement that the information recorded in computer readable form is identical to the written sequence listing					
		has been furnished.					
4.		The amendments have resulted in the cancellation of:					
		the description, pages NONE					
		the claims, Nos. NONE					
		the drawings, sheets/fig NONE					
5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go					
		beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**					
* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).  ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.							



Form PCT/IPEA/409 (Box V) (July 1998)



V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
1. STATEMENT							
Novelty (N)	Claims	7, 8	YES				
	Claims	1-6	NO				
Inventive Step (IS)	Claims	7, 8	YES				
	Claims	1-6	NO				
Industrial Applicability (IA)	Claims	1-8	YES				
	Claims	NONE	NO				
2. CITATIONS AND EXPLANATIONS  Claims 1-4 and 6 lack novelty under PCT Article 33(2) as being anticipated by Horodysky (US 4,587,025).  Horodysky teaches compounds and their method of preparation within the scope of the present invention (column 1, line 35 - column 2, line 31).  Claims 1-6 lack novelty under PCT Article 33(2) as being anticipated by Shachat (US 4,012,437).  Shachat teaches compounds and their method of preparation within the scope of the present invention (see column 1, line 49 - column 4, line 18).  Claim 6 lacks novelty under PCT Article 33(2) as being anticipated by Hellsten (US 5,902,784).  Hellsten teaches chloride free compounds within the scope of the present invention (see column 3, lines 46-51).  Claims 7 and 8 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specific method of treating a gas well using an aqueous composition containing the specific compounds of the present invention.  Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.  NEW CITATIONS							